

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

EMILIO RODEO HERNANDEZ,

Defendant and Appellant.

C047386

(Super. Ct. No.
04F00290)

Defendant Emilio Rodeo Hernandez entered negotiated pleas of no contest to domestic battery, a misdemeanor (Pen. Code, § 243, subd. (e)(1)), to assault with a firearm, a felony (Pen. Code, § 245, subd. (a)(2)), and to a personal use of a gun enhancement (Pen. Code, § 12022.5, subd. (a)). Sentenced to a stipulated aggregate prison term of seven years, he appeals.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979)

25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

In examining the record, we found two clerical omissions in the abstract of judgment. In the interest of judicial economy, we shall order the trial court to correct the abstract without first requesting supplemental briefing. Any party wishing to address these issues may petition for rehearing. (Gov. Code, § 68081.)

At sentencing, the trial court ordered defendant to pay a \$200 restitution fine, suspended unless parole is revoked (Pen. Code, § 1202.45), and a \$20 court security fee (Pen. Code, § 1465.8, subd. (a)(1)). However, neither the fine nor the fee is included in the abstract of judgment. The abstract must be corrected to reflect the judgment pronounced by the court. (See *People v. Rowland* (1988) 206 Cal.App.3d 119, 123-124.)

We find no other arguable error that would result in a disposition more favorable to defendant.

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect that the court ordered defendant to pay a \$200 restitution fine, suspended unless parole is revoked, and a \$20 court security fee. The court is further directed to forward a certified copy of the amended abstract to the Department of Corrections.

SCOTLAND, P.J.

We concur:

SIMS, J.

CANTIL-SAKAUYE, J.